

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.205-A

**CRM NO. M-16386 of 2016
DECIDED ON: August 23, 2016**

KARAMJIT KAUR

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Narinder Singh Behgal, Advocate,
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

Mr. Naveen Sharma, Advocate,
for the complainant.

JASPAL SINGH, J. (ORAL)

This is a petition preferred by the petitioner-Karamjit Kaur under Section 438 Cr.P.C. seeking pre-arrest bail in case FIR No. 136, dated April 21, 2016, under Sections 120-B, 406, 420, 467, 468 & 471 of IPC, registered at Police Station Baldev Nagar, District Ambala City.

While issuing notice of motion, following order was passed by a coordinate Bench of this Court on May 12, 2016:-

“Counsel would inter alia contend that earlier FIR No.70 dated 03.03.2016, under Sections 120-B, 506, 420 IPC was registered at Police Station Baldev Nagar, Ambala City against the petitioner at the instance of one Smt. Varinder on the allegations that the present petitioner had connived with one Harjeet Singh and sold a plot bearing No.206 at Jaggi Colony, Ambala City and such plot was actually meant for a rasta. Pertaining to such FIR, petitioner had preferred CRM No.M-12921 of 2016 and in which interim protection as regards arrest was granted by this Court vide order dated 12.04.2016. It is contended that the present FIR bearing No.136 dated 21.04.2016, under Sections 120-B, 406, 420, 467, 468, 471 IPC has been registered at Police Station Baldev Nagar, Ambala City at the instance of Smt. Rupinder Kaur on the same set of allegations and pertaining to the same very plot bearing No.206, Jaggi Colony, Ambala City.

Notice of motion, returnable for 23.08.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and she shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

On instructions from ASI Ashok Kumar, learned State counsel has submitted that the petitioner has already been joined the investigation.

However, learned counsel for the complainant states that the amount is still required to be effected.

Since, instant FIR is second one on the same set of allegations and the petitioner has already joined the investigation in compliance of order dated May 12, 2016, this Court is of the considered view that it is a fit case where discretion envisaged under Section 438(2) Cr.P.C. can be exercised.

Taking into consideration the aforesaid aspects as well as other aspects involved in the matter, instant petition is allowed. Interim order dated May 12, 2016 is made absolute and shall enure till the disposal of the trial but subject to the conditions, as envisaged under Section 438(2) Cr.P.C.

August 23, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No